

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 69853

Occupants & D. & D.J. Properties  
7004 River Drive Road  
Baltimore, MD 21219

7941 Wynbrook Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
AMENDED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-302, 307, failure to maintain premises in a rat-free condition and to eliminate rat harborages, rat holes, rat runs along the fence, along the foundation of the house and other locations; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, failure to eliminate open dump conditions on residential property zoned DR 10.5 known as 7941 Wynbrook Road, 21224.

On January 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,000.00 (seven thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. This Hearing was rescheduled due to inclement weather, with written notice to Respondent.

B. Photographs in the file show multiple large rat holes, multiple rat runs, and scattered trash throughout the yard of this investment property. Photographs show junk and debris on the front porch. Photographs show garbage cans without lids, containing garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Notes in the file from Inspector Moorefield state that re-inspection after the issuance of this Citation found some improvement, but that the rats have not been exterminated. The evidence shows that there is a large and serious infestation of rats on this property, with large rat holes apparent along the fence, rear porch steps, house foundation, and the middle of the yard. This property has been the subject of repeated code enforcement proceedings for the same violations in 2009 and in prior years.

D. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if Respondent complies with all requirements within the time provided below. If Respondents do not abate the infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$150.00 (one hundred fifty dollars) if re-inspection by April 14, 2010 finds violations corrected, with all junk, trash and debris removed and all garbage properly stored, AND with receipts and documentation provided to the County to show that a licensed exterminator is being employed to exterminate the rat infestation.

IT IS FURTHER ORDERED that after April 14, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31<sup>st</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer